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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,764	05/04/2001	Sakae Ishikawa	207187US2	7828
22850 7590 01/24/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BUTLER, MICHAEL E	
			ART UNIT 3653	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/848,764

Applicant(s)

ISHIKAWA ET AL.

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-84 is/are pending in the application.
- 4a) Of the above claim(s) 12-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claims of priority to Japanese applications: 2001-47288 filed 2/22/01; 2000-356640 filed 11/22/00; 2000-135235 filed 5/18/00.

### ***Election/Restriction***

2. Applicant's election of invention I without traverse in Paper No. 12 was acknowledged and made final. Applicant's election of Species I with traverse in Paper No. 12 is acknowledged and the species requirement is made final. Applicant identified claims 1-11 as reading on the elected species.

MPEP § 816 relates to patentably distinct inventions, not species.

Applicant asserts no mutually exclusive species have been identified:

Applicant per MPEP § 806.04(f), there was no identification of mutually exclusive species. Same time and different time are clearly mutually exclusive times. Same location and different locations are clearly mutually exclusive. Same type product and differing type product are mutually exclusive products.

Applicant argued there would be no undue burden to all claimed species. However, burden is a restriction requirement element, not a species requirement element.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudsen, Jr. in view of Aria et al. '985 (JP11-348985A) wherein Knudsen, Jr. discloses:

(Re: cl 1) A specification unit 25 configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c9 L 29-c10 L 13; c4 L 14-30);

Instruction unit configured to provide delivery procedure for second article (c12 L 6-45);

(Re: cl 2) pallet with top and plurality of supports or shock absorbers (c5 L 1-29)

(Re: cl 7) third rack (c8 L 18-34)

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c10 L 58-67)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c7 L 41-c8 L 43)

(Re: cl 8) instruction unit includes first and second instruction units (c7 L 41-c8 L 17; 25/33).

Aria et al. '985 discloses any elements not inherently taught by Knudsen, Jr. including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112) the first delivery package including a pallet, a plurality of supports fitted to the pallet and a top (31 § 25,26) (fig 20), the second delivery package including a plurality of second supports (claim 5; § 10),

(Re: cl 3) system sales use warehouse; article assembled with components production site (§ 2)

(Re: cl4) instruction unit instructs management center to deliver article (§ 4);

(Re: cl 9) both first article and second article are image formation devices (§ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (§ 111).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Knudsen, Jr. to transport permutations of printers,

monitors, and computer together on a article as taught by Arai et al. '985 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Knudsen, Jr. to use a reconfigurable collection package of adjustable size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al.. It would have been obvious at the time of the invention for Knudsen, Jr. to use a packaging unit having a pallet to support loads, a cover to protect the contents, and a plurality of supports to connected to the top and pallet first to keep the package together in transport as taught by Arai et al..

5. Claims 1-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 6516242 in view of Aria et al. '985 (JP11-348985A) wherein Brown discloses:

(Re: cl 1) A specification unit configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c5 L 40-59);  
Instruction unit configured to provide delivery procedure for second article (c5 L 60-c6 L 16; c8 L 22-35);

(Re: cl 2) pallet with top and plurality of supports or shock absorbers (c7 L 23-48, springs serve as shock absorbers);

(Re: cl 3) system supplies components from a use warehouse to an article assembled with components production site (c8 L 22-c9 L 4)

(Re: cl4) instruction unit instructs management center to deliver article (c5 L 60-c6 L 16);

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c8 L22-52)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article (c8 L 43-53)

(Re: cl 7) third article (c8 L 22-35);

(Re: cl 9) both first article and second article are image formation devices ( c4 L 54-67 )

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device ( c4 L 54-67 ).

Aria et al. '985 discloses any elements not inherently taught by Roberts et al. including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112) the first delivery package including a pallet, a plurality of supports fitted to the pallet and a top (31 § 25,26) (fig 20 ), the second delivery package including a plurality of second supports (claim 5; § 10),

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Brown to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '985 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Brown to use a reconfigurable collection package of adjustable size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al. It would have been obvious at the time of the invention for Brown to use a packaging unit having a pallet to support loads, a cover to protect the contents, and a plurality of supports to connected to the top and pallet first to keep the package together in transport as taught by Arai et al..

6. Claims 1, 3-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. 6401078 in view of Aria et al. '985 (JP11-348985A) wherein Roberts et al. discloses:

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(Re: cl 1) A specification unit configured to specify a plurality of first article delivery and collection components required to assemble article delivery and collection components and those not required for first apparatus yet required for second rack (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

Instruction unit configured to provide delivery procedure for second article (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

(Re: cl 5) instruction unit includes confirmation unit; article collection center (c6 L 6-30)

(Re: cl 6) if confirmed no stocking of second article component at article delivery and collection components collection center instruction unit instructs management center to deliver article center (c6 L 6-30)

(Re: cl 8) instruction unit includes first and second instruction units (c12 L 40-c13 L 17; c3 L 49-c4 L 6);

Aria et al. '985 discloses any elements not inherently taught by Roberts et al. including:

(Re: cl 1) the article delivery and collection package configured to be assembled as a first delivery and collection package for packing a first article to be delivered and configure to be reassembled (§ 47), the second article being of different height than the first (§ 112) the first delivery package including a pallet, a plurality of supports fitted to the pallet and a top (31 § 25,26) (fig 20), the second delivery package including a plurality of second supports (claim 5; § 10),

(Re: cl 3) system sales use warehouse; article assembled with components production site (§ 2)

(Re: cl 4) instruction unit instructs management center to deliver article (§ 4);

(Re: cl 9) both first article and second article are image formation devices (§ 111)

(Re: cl 10) first article is an image formation device, and said second article is any device other than said image formation device (§ 111).

It would have been obvious at the time of the invention to move production task completed articles to storage warehouse to have them out of the way till ready for further work or shipment as taught by Aria et al. '985 and come up with the instant invention. It would have been obvious at the time of the invention for Roberts et al. to transport permutations of printers, monitors, and computer together on a article as taught by Arai et al. '985 as these components are regularly used and sold together and there common transfer would help users get the components together and come up with the instant inventions. It would have been obvious at the time of the invention for Roberts et al. to use a reconfigurable collection package of adjustable

size suitable for carrying a subsequent component to modify and collect components because accumulation and drop off of goods minimizes the shipping costs by reusing the containers as taught by Arai et al.. It would have been obvious at the time of the invention for Roberts et al. to use a packaging unit having a pallet to support loads, a cover to protect the contents, and a plurality of supports to connected to the top and pallet first to keep the package together in transport as taught by Arai et al..

***Response to Amendments/Arguments***

7. The applicant's arguments and amendment have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Knudsen, Jr. in view of Aria et al., Roberts et al. in view of Aria et al., and Brown et al. in view of Aria et al..

Aria et al. discloses all of the newly claimed elements a pallet, first and second structural elements, and a top as newly claimed.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*MEK*  
*1/22/06*

*PM*  
PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600